

## REMARKS

Applicants respectfully request reconsideration of this application as amended. No claims have been amended or cancelled. No new claims have been added. Therefore, claims 1-24 are now presented for examination.

### 35 U.S.C. § 102 Rejection

Claims 1-3, 5, 8-10, 12, 15, 16-18 and 22 stand rejected under 35 U.S.C. §102(b), as being anticipated by Kozaki, et al. U.S. Patent No. 5,828,888 (“Kozaki”).

Claim 1 recites:

A method comprising:  
receiving through a network an indication from a device;  
upon determining from the indication that the device is in a state in which a first system has not been installed on the device, instructing the device through the network to install the first system;  
upon receiving through the network from the device an indication that the first system has been installed, indicating through a user interface that the device is in a state in which the device is available to install an operating system selectable through the user interface; and  
upon a selection of the operating system, instructing the device through the network to install the operating system.  
(emphasis provided)

Applicants respectfully disagree with the Examiner’s characterization of the reference. Kozaki discloses a “computer network having [an] os-versions management table to *initiate [a] network boot process* via [a] master computer.” (Title; emphasis provided). Reviewing the sections of Kozaki referred to by the Examiner, Kozaki discloses “[t]he list of OS versions contained in [a] message is displayed and *one of the OS versions is selected by the user at the source computer*. The version number of the selected operating system is entered through [a] console and *a network boot message is*

*produced.*” (col. 4, lines 19-24; emphasis added) The “[c]omputer returns a network boot response message by sending a copy of the requested operating system to the source computer, and then [sends] *a network boot complete message.*” (col. 4, lines 29-33; emphasis provided).

In contrast, claim 1, in pertinent part, recites “upon determining from the indication that the device is in a state in which a first system has not been installed on the device, instructing the device through the network to install the first system; upon receiving through the network from the device an indication that the first system has been installed, indicating through a user interface that the device is in a state in which the device is available to install an operating system selectable through the user interface” (emphasis added) Nowhere Kozaki discloses determining from an indication that the device is in a state in which a first system has not been installed, instructing the device to install the first system, upon receiving the indication that first system has been installed, indicating that the device is in a state in which device is available to install an operating system as recited by claim 1. None of these features of claim 1 are disclosed by Kozaki. Accordingly, Applicants respectfully request the withdrawal of the rejection to claim 1 and its dependent claims.

Claims 5, 8, 12, 15 and 22 contain limitations similar to those of claims 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 5, 8, 12, 15 and 22 and their dependent claims.

### **35 U.S.C. § 103 Rejection**

Claims 4, 6, 7, 11, 13, 14, 19-21, 23 and 24 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Kozaki, in view of Slivka et al., U.S. Patent

6,256,668 (“Slivka”).

Claims 4, 6, 7, 11, 13, 14, 19-21, 23 and 24 depend from one of independent claims 1, 5, 8, 12, 15 and 22 and thus they include all the limitations of their base claim. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 4, 6, 7, 11, 13, 14, 19-21, 23 and 24.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: August 7, 2006

  
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